

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STARR INDEMNITY & LIABILITY
COMPANY,

Case No. C20-5539

Plaintiff,

ORDER STRIKING MOTION
FOR ATTORNEY'S FEES

V.

POINT RUSTON LLC *et al.*,

Defendants.

This matter comes before the Court on defendants' "Motion for Olympic Steamship Fees" (Dkt. # 68). Having reviewed the motion and the remainder of the record, the Court finds as follows:

On August 17, 2021, the Court granted summary judgment in favor of defendants, finding that “[plaintiff] has a duty to defend and indemnify defendants in connection with the underlying action, and [plaintiff] is not entitled to reimbursement of defense costs.” Dkt. # 62 at 14. On August 28, 2021, defendants filed the unopposed motion for attorney’s fees pursuant to Olympic S.S. Co. v. Centennial Ins. Co., 117 Wn.2d 37 (1991), currently before the Court. See generally Dkt. # 68. Defendants’ motion does not differentiate between attorney’s fees related to the duty to defend and the duty to indemnify. See id. On June 1, 2022, the Ninth Circuit issued a memorandum disposition affirming the Court’s ruling that plaintiff has a duty to defend, reversing the Court’s ruling that plaintiff has a duty to indemnify on the ground that the Court ruled on the issue *sua sponte* without giving plaintiff reasonable notice to develop the facts to oppose this portion of the summary judgment order, and vacating the Court’s denial of ORDER STRIKING MOTION FOR ATTORNEY’S FEES - 1

1 costs. See Dkt. # 76 (memorandum disposition); see also Dkt. # 77 (mandate). On June 29,
2 2022, the Ninth Circuit entered an order granting defendants' motion for appeal-related
3 attorney's fees pursuant to Olympic Steamship related to their arguments on the duty to defend
4 but denying attorney's fees related to their arguments on the duty to indemnify. See Dkt. # 81.

5 In light of the Ninth Circuit's rulings issued between the filing of defendants' motion for
6 attorney's fees and the date hereof, the Court STRIKES defendants' motion for attorney's fees
7 (Dkt. # 68) without prejudice to defendants' ability to file a new motion for attorney's fees
8 related only to the duty to defend issue.

9 IT IS SO ORDERED.

10 DATED this 3rd day of August, 2022.

11 
12 Robert S. Lasnik

13 United States District Judge

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